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Attorneys for Defendant
11 *Bard Peripheral Vascular, Inc.*
12

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 IN RE: Bard IVC Filters Products Liability MDL NO. 15-02641-PHX-DGC
16 Litigation

17 **DEFENDANT BARD PERIPHERAL**
18 **VASCULAR, INC.'S ANSWER AND**
19 **GENERAL DENIAL WITH RESPECT**
20 **TO CASE NO. CV-16-00832-PHX-DGC;**
JURY TRIAL DEMAND

21 Defendant Bard Peripheral Vascular, Inc. ("BPV" or "Defendant") hereby files this
22 Answer and General Denial with Respect to *Shane Tice v. Bard Peripheral Vascular, Inc.*,
23 AZ Member Case No. CV-16-00832-PHX-DGC ("Answer and General Denial"), served
24 according to the provisions and requirements of Amended Case Management Order No. 4
25 (Doc. 1108). Defendant further reserves the right to file any motion to dismiss for failure to
26 state a claim with respect to this case, as set forth in Amended Case Management Order
27 No. 4.
28

1 With respect to the allegations plaintiff(s) raise in *Shane Tice v. C. R. Bard, Inc., et al.*,
 2 AZ Member Case No. CV-16-00832-PHX-DGC, Defendant denies, generally and
 3 specifically, each and every allegation in plaintiff(s)' Complaint, the whole thereof, and each
 4 and every cause of action therein. Defendant further denies that the plaintiff(s) has sustained,
 5 or is entitled to recover, damages in any amount alleged or in any sum whatsoever.
 6 Defendant further denies that they are liable to the plaintiff in any amount, and further deny
 7 that the plaintiff has sustained injury, damage, or loss by reason of any act or omission by
 8 Defendant.

9 As for additional defenses, and without assuming any burden of pleading or proof that
 10 would otherwise rest on plaintiff(s), Defendant incorporates by reference the responses and
 11 Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in
 12 MDL 2641 on December 17, 2015 (Doc. 366). Defendant further reserves the right to raise
 13 such other affirmative defenses as may be available or apparent during discovery or as may
 14 be raised or asserted by other defendants in this case. Defendant has not knowingly or
 15 intentionally waived any applicable affirmative defense. If it appears that any affirmative
 16 defense is or may be applicable after Defendant has had the opportunity to conduct
 17 reasonable discovery in this matter, Defendant will assert such affirmative defense in
 18 accordance with the Federal Rules of Civil Procedure.

19 **REQUEST FOR JURY TRIAL**

20 Defendant Bard Peripheral Vascular, Inc. demands a trial by jury on all issues
 21 appropriate for jury determination.

22 **WHEREFORE**, Defendant avers that the plaintiff(s) is/are not entitled to the relief
 23 demanded in the plaintiff(s)' Complaint, and this Defendant, having fully answered, prays
 24 that this action against it be dismissed and that it be awarded its costs in defending this action
 25 and that it be granted such other and further relief as the Court deems just and appropriate.
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1 This 28th day of March, 2016.

2
3 s/Richard B. North, Jr.
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22 **Attorney for Defendant Bard Peripheral**
23 **Vascular, Inc.**
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 28, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Richard B. North, Jr.
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